

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RICARDO A. CASTILLO,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 04-210-GMS
)	
SUPERVISOR FRANK COSTAN,)	
et al.,)	
)	
Defendants.)	

ORDER

WHEREAS, Ricardo A. Castillo ("Castillo"), was a prisoner incarcerated at the Howard R. Young Correctional Facility, Wilmington, Delaware at the time he filed this 42 U.S.C. § 1983 action, along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915;

WHEREAS, on May 11, 2004, the court entered an order and granted Castillo leave to proceed *in forma pauperis*, assessing a filing fee of \$150 and requiring Castillo to pay an initial partial filing fee of \$22.50 (D.I. 5);

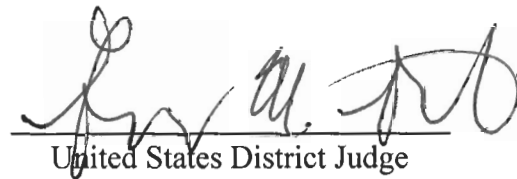
WHEREAS, Castillo has paid a total of \$45.00 toward the \$150 filing fee owed;

WHEREAS, on June 27, 2004, the court received correspondence from Castillo that indicated he had been released from prison and that provided the court with his home address upon release (D.I. 11);

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. *Robbins v. Switzer*, 104 F.3d 895, 899 (7th Cir. 1997); *see also Drayer v. Attorney General*, Nos. 03-2517, 03-2518, 81 Fed.Appx. 429 (3d. Cir. 2003).

THEREFORE, at Wilmington this 17th day of January, 2006, IT IS HEREBY ORDERED that within thirty days from the date of this order, Castillo shall either pay the balance of the filing fee owed (\$105) **or** submit a new standard form application to proceed without prepayment of fees and affidavit so that the court may determine whether he is still eligible to proceed *in forma pauperis*.

NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.



United States District Judge